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TABLE OF CONTENTS

	<u>Page</u>
Message to Volunteers	1
I. The Role of the Volunteer Lawyer	4
II. Process of Providing Legal Services to the Disaster Victims	4
III. Information You May Need in Helping the Victims	5
IV. FEMA Assistance	6
V. Non-FEMA Issues	9
A. Locating Missing Family and Friends	9
B. Social Security Benefits	9
C. Louisiana Workers' Compensation Benefits	9
D. Unemployment Compensation	10
E. Tax Relief	10
F. Housing Issues	10
G. Insurance Issues – Common Questions	19
H. Public Education – Frequently Asked Questions	24

I.	Family and Medical Issues	26
J.	Banking Issues – Commonly Asked Questions	28
K.	Food Stamps, including Disaster Food Stamps	31
L.	Temporary Assistance to Needy Family Benefits	31
M.	Medicaid Benefits – Louisiana Medicaid Office	31
N.	Other Social Service Programs	31
O.	Immigration Issues	31
P.	Lost Document Issues	32

Appendices

- A. Disaster Legal Services Intake Form**
- B. Disaster Legal Services Case Closure Form**
- C. Listing of Legal Service Providers**
- D. Important Insurance Phone Numbers**
- E. FEMA – Applicant’s Guide to the Individuals and Households Program**
- F. EMA Disaster Assistance Program Checklist**
- G. FEMA Contact Information**
- H. Designated Disaster Parishes in Louisiana for Hurricane Katrina**
- I. FEMA Individual Assistance Programs Outline**
- J. Social Security Information**
- K. Tax Information**
- L. Louisiana Civil Code and Code of Civil Procedure Lessor/Lessee Articles**
- M. Lost Document Replacement Information**
 - 1. Social Security Card**
 - 2. Medicare Card**
 - 3. Medicaid Card**
 - 4. Driver’s License and/or Louisiana Identification Card**
 - 5. Birth, Death, and Marriage Certificates**
 - 6. Passports**
 - 7. Vehicle Registration and Titles**
 - 8. U.S. Permanent Resident Card (“Green Card”)**
 - 9. U.S. Employment Authorization (“Work Permit”)**
 - 10. Alien’s Change of Address Form**
 - 11. Application for Replacement Naturalization/Citizenship Document**

Message to the Volunteers

Dear Fellow Volunteer:

Thank you for volunteering your time to help the victims of Hurricane Katrina. Your willingness to give your time and talents to the many people displaced and damaged by this storm is greatly appreciated.

The purpose of this manual is to provide you with an introduction to the legal assistance program that has been established by the Louisiana State Bar Association and to acquaint you with some of the information you may need. Included in this manual is an overview of FEMA and non-FEMA legal assistance, a description of the process of providing legal services to disaster victims, information you may need to help the victims, answers to frequently asked questions on issues such as housing, insurance, unemployment compensation and other relevant issues, as well as an appendix including ; FEMA Disaster Assistance Process, Case Intake and Closure Forms, copies of relevant code articles and statutes, important telephone numbers, and legal services contact numbers.

Services Provided

The Louisiana State Bar Association has set up a toll free telephone number (1-800-310-7029) for victims of Hurricane Katrina to obtain access to pro bono legal assistance. This legal assistance is being provided to those in need through two main sources: (1) The Federal Emergency Management Agency (FEMA) has a contract with the ABA Young Lawyers Division by which the ABA/YLD mobilizes young lawyers in a state where a federal disaster is declared to provide free legal services to those disaster victims who are eligible for FEMA benefits. In Louisiana, the ABA/YLD acts in coordination with the Louisiana State Bar and its Young Lawyers Division to provide legal services to those disaster victims entitled to FEMA assistance; (2) The Louisiana State Bar Association is also providing legal assistance through Louisiana lawyers to disaster victims who may not be entitled to FEMA assistance who have volunteered through seminars, phone contact to the LSBA, and the like. Eligibility for FEMA assistance is discussed later in this manual and the FEMA attachments.

The legal assistance phone number is posted on the LSBA website (lsba.org) and will be publicized throughout the disaster and evacuation areas on television, radio, and in the newspaper so that persons in need can obtain legal services.

Time Commitment

A common question asked by volunteers is the commitment required for this project. First, by volunteering to provide legal services for victims of Hurricane Katrina you are agreeing to provide your legal services on a pro bono basis. In many cases, the time required may be minimal, simply answering a few questions or writing a few letters on the victim's behalf in a single day. In other cases, additional time may be required but

your service is not meant to be everlasting. Rather, the pro bono program we have set up is designed to provide emergency legal assistance to victims of Hurricane Katrina. If you find a victim who needs extended representation, you can continue to represent them or refer them to the nearest legal services organization. Legal services groups are listed by parish in Appendix "C".

Limitations to Representation

There are several important limitations to your representation: (1) This program is to help persons damaged by Hurricane Katrina, thus problems unrelated to this disaster are not covered; (2) This program does not cover fee-generating cases. If the hurricane victim has a case that is potentially fee-generating, he or she should be referred to the local bar association's attorney referral service or the Louisiana Bar's Attorney Referral Service (see www.louisiana-legal.com/referral.htm); (3) If you have conflict of interest with a client referred to you, please notify the association which referred you the case that you cannot take this case. Remember you are the attorney for these victims and thus cannot represent them in the event of a conflict; (4) If after speaking to a hurricane victim, you believe the case is beyond your expertise, you should contact the Bar hotline and ask that the case be assigned to another volunteer; and (5) Lawyers are strongly cautioned against engaging in solicitation of hurricane victims. Solicitation, whether by direct face to face contact, telephone, fax or other means, and whether by the lawyer personally or someone on his or her behalf, is prohibited by Rule 4-7.4(a). Lawyers cannot mail solicitations within 30 days of the hurricane and any direct mail solicitations must comply with the disciplinary rules and must be filed with the Louisiana State Bar for review. Anyone with information that a lawyer is engaging in solicitation should report the lawyer to the Louisiana State Bar. **Please note that volunteer lawyers who are offering their services to disaster victims at no charge do not violate the anti-solicitation rule.**

Quick Summary of What You Should Do

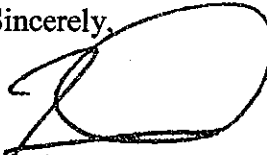
1. Read through the attached orientation packet which discusses the role of the volunteer lawyer. This is especially important because it lists common questions which arise in a hurricane or other disaster and details the steps in the volunteer process.
2. The victim's initial call into the toll free assistance number will be answered by an intake person who will first determine if the issue is one that should be handled by one of the attorney volunteers. If so, the intake person will then determine whether legal assistance should be provided through the ABA/YLD FEMA legal assistance program or by Louisiana State Bar Program attorney volunteers. The caller will be asked to provide a telephone number at which he or she can be reached within the next 24 to 48 hours. The intake forms will then be emailed or faxed to an appropriate volunteer lawyer who will then contact the victim. In the event the hurricane victim has no number where he or she can be reached,

that victim will be given the name and number of a volunteer lawyer who will be contacted directly by the victim. Do not be surprised if you do not receive a case for several weeks. During the initial days after a disaster of this magnitude, many of the victims of the hurricane have not focused on their legal needs because they are more worried about basic needs like food, shelter, and their health. It often takes time for victims to realize that they may need a lawyer.

3. Once you do receive a case, please respond to the hurricane victim within one business day. If you cannot return the call within that time, please contact the hotline immediately so that the call can be reassigned. Also, if you plan to be out of town, please alert your staff so that they can contact the hotline to reassign any calls you will be unable to answer.
4. You should keep track of the amount of time spent on each case and notify the hotline when you are done providing services by emailing the attached Case Closure Form, Appendix "B", to LouisianaBar@yahoo.com or faxing the form to 337-233-9450.

Again, our thanks goes out to each and every person who has volunteered for this project. Remember that many of the victims of this disaster cannot afford other legal representation so you are their lawyer and the person who will guide them through this difficult time. Additionally, many of the victims of Hurricane Katrina will have suffered and will continue to suffer great personal trauma. Volunteer lawyers should therefore make great efforts to be sensitive to the feelings and behavior of the victims, as well as responsive to their needs.

Sincerely,



Frank X. Neuner, Jr.
President, Louisiana State Bar Association

I. The Role of the Volunteer Lawyer

Type of Legal Services Rendered – Based on past experiences with hurricanes and other natural disasters, volunteer attorneys are asked to provide advice on the following:

1. Assistance with filing for emergency assistance
2. Assistance with insurance claims (life, property, medical, etc.)
3. Counseling on lessor-lessee, homeowner, and other housing problems
4. Assistance with home repair contracts
5. Assisting in consumer protection matters, remedies, and procedures
6. Counseling on mortgage foreclosure problems
7. Replacement of important legal documents destroyed in the natural disaster, such as wills, green cards, and the like (see Appendix "M" for information on how to obtain copies of lost documents).
8. Drafting of powers of attorney
9. Estate administration (insolvent estates)
10. Tax questions
11. Preparation of guardianships and conservatorships
12. Referring individuals to local or state agencies which might be of further assistance (e.g. consumer affairs).

This manual is a work in progress limited by time constraints and will be updated as additional information becomes available. It includes a general introduction to some of the legal issues that volunteer attorneys are likely to be asked in an emergency situation. Obviously, the manual is intended only as a starting point for any legal research that volunteer attorneys may need to conduct to effectively assist their clients. The Louisiana State Bar Association thanks all of the bar associations throughout the country who have provided assistance and materials in the preparation of this manual.

Helpful disaster websites are: <http://louisiana.gov/wps/portal>; www.firstgov.gov; www.fema.gov; and www.ohsep.louisiana.gov (which is the Louisiana Office of Homeland Security).

II. Process of Providing Legal Services to the Disaster Victims

The toll-free number set up by the Louisiana State Bar Association (1-800-310-7029) for victims of Hurricane Katrina to call if they need legal assistance has been publicized by FEMA and by the Louisiana State Bar Association through shelters, FEMA Disaster Recovery Centers, television, radio, and/or local newspapers.

When a victim calls into the toll-free number, the staff at the Louisiana State Bar Association will take down some initial information from the victim on the Intake form

which is included in this packet as Appendix "A". The staff will then immediately determine whether the case is one in which lawyer assistance is required, and if so, whether the matter should be forwarded to the ABA/YLD FEMA attorney or to one of the other attorneys volunteering to provide non-FEMA legal assistance. The staff will then immediately fax or email the intake form to the appropriate volunteer attorney.

When the volunteer attorney receives the Intake Form, the volunteer attorney should immediately determine whether the legal service requested is a fee-generating matter, and if so refer the victim to the local bar association or the Louisiana attorney referral service at www.louisiana-legal.com/referral.htm. Additionally, in the event the volunteer attorney determines the case is beyond the attorney's expertise, the volunteer attorney has a conflict of interest, or the volunteer attorney cannot handle the case for any other reason, the attorney should immediately call the Louisiana State Bar Association hotline number and ask that the case be reassigned.

Once the volunteer attorney has made the decision to accept the matter, the volunteer attorney should call the victim within 24 hours of the time after the initial call was made by the victim to the Louisiana State Bar Association for help. The attorney should then help the victim with their legal needs, keeping careful notes regarding the intake, recommendations, and disposition of each case for her/his own benefit and the benefit of any lawyer who may subsequently be involved in the case.

After completion of the matter, the attached Case Closure form should be completed and emailed to LouisianaBar@yahoo.com or faxed to 337-233-9450. If the matter is still open ninety days after the assignment, a brief report on the anticipated closing date should be faxed or emailed in the same fashion. All volunteer attorneys should keep track of the amount of time spent on each case and should include this information in the Case Closure Form.

III. Information You May Need in Helping the Victims

Obtain the following information from the victim: full name, names and ages of family members living with the victim at time of disaster, present and disaster area addresses, telephone number(s) where the victim may be contacted, description of losses and disaster-related problems, insurance information, citizenship status. Note: only U.S. citizens and qualified aliens are entitled to FEMA benefits; however, children born in the US to undocumented aliens qualify for FEMA benefits, while undocumented aliens are entitled to non-cash assistance through FEMA including disaster legal services, emergency food and shelter, and crisis counseling.

IV. FEMA Assistance

When the President of the United States declares a "major disaster" anywhere in the United States or its territories, federal assistance is made available to supplement the efforts and resources of state and local governments and voluntary relief organizations pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended 42 U.S.C. 5121, *et. seq.*

In Louisiana, the following 31 parishes were declared disaster areas on August 29, 2005: Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermillion, Washington, West Baton Rouge and West Feliciana. Individuals and business owners in these parishes are eligible for aid. FEMA has identified this disaster as number 1603.

Individuals, families and businesses in these parishes may be eligible for federal assistance if they live, own a business, or work in a parish declared a Major Disaster Area. Help may also be available to those who have incurred sufficient property damage or loss and do not have insurance or other resources to meet their needs. The most important thing a disaster victim must do to obtain FEMA assistance is to register with FEMA. To apply for Assistance for Individuals and Households, individuals should register with FEMA toll-free at 1-800-621-FEMA (TTY: 1-800-462-7585) within **60 days of the declaration of the disaster**. Attached as Appendix "E" is the FEMA publication entitled "Help after a Disaster – Applicant's Guide to the Individuals and Housing Program," which includes information about what type of assistance is available, who is eligible, the process for obtaining assistance, and frequently asked questions. Also included as Appendices "F", "G", "H", and "I" are a checklist for FEMA Disaster Assistance Process, contact information for FEMA, a listing of Designated Disaster Counties, and an outline of Individual Assistance Programs with FEMA. Information is also available at www.FEMA.gov.

However, not everyone who has suffered in this hurricane is entitled to FEMA assistance. FEMA has established a policy for preventing and for rectifying duplication of benefits under 44 CFR 206.91. FEMA's duplication of benefits policy includes the concept of a sequence of delivery, which establishes the order in which the major forms of assistance should be provided. The agency that has the primary responsibility for delivering a certain type of assistance should provide that assistance first, and may do so without regard to other agencies with similar assistance that are lower in the sequence. Agencies are not prohibited from disrupting the sequence of delivery when it serves to expedite the recovery of an applicant. However, the agency that disrupts the sequence of delivery must take corrective action.

The sequence of delivery for major forms of assistance is as follows:

1. Voluntary organizations provide emergency assistance in the form of food, clothing, shelter, medical, and transportation needs;
2. Private insurance benefits – Insured applicants must file a claim with their insurance company before receiving federal assistance. They may be eligible to receive disaster assistance if they have insufficient coverage or have items not covered by their insurance policy;
3. Temporary Housing Assistance – FEMA funds and administers the Temporary Housing program, which is designed to provide disaster applicants with a grant for their housing needs. There are five forms of temporary housing, including (a) Lodging expense reimbursement for the cost of short-term lodging such as hotel rooms (food, transportation, telephone, separately billed utilities and other services not eligible for reimbursement); (b) Minimal repairs assistance to help those immediate emergency repairs to live in the residence while permanent repairs are being made (not intended to address all of damage or restore home to pre-disaster condition); (c) Rental assistance – eligible applicants will receive financial assistance to rent a dwelling for the pre-disaster household to live for up to 18 months based on need (FEMA may provide a list of available rental properties as well); (d) Manufactured housing – when rental properties are unavailable, FEMA may provide in-kind assistance in form of trailers, manufactured homes or other readily fabricated dwellings for use as temporary housing for up to 18 months subject to recertification of continuing eligibility. Applicants receiving in-kind assistance are not eligible for financial assistance; and (e) Mortgage and Rental Assistance provides a means to keep people who have suffered a substantial change in household income in their homes by assisting with their mortgage or rental payments and preventing foreclosures or evictions. The application period is up to 6 months after the date of declaration and the assistance is available for up to 18 months based on need.
4. Small Business Administration (SBA) provides low interest, long-term disaster loans for individuals to repair/replace real and personal property for non-farm businesses. If SBA determines that an applicant is ineligible for an SBA loan or if the loan amount is insufficient, SBA refers the applicant to FEMA for additional consideration. Borrowers are required to maintain appropriate hazard and flood insurance, where required. SBA can only approve a loan to an applicant with a reasonable ability to repay the loan.
5. Individual and Family Grant Program (IFG) – administered by the State of Louisiana to provide funds to disaster victims to assist them in meeting disaster-related expenses for which assistance from other means is either insufficient or unavailable.

6. Voluntary Organizations provide assistance during recovery as well as during immediate emergency response. This includes national and local groups.
7. Cora C. Brown Fund – This fund, named after Cora Brown who died in 1979 and bequeathed part of her estate to the federal government to be used solely for human suffering caused by natural disasters, is used for disaster victims who have exhausted all avenues of assistance, but who still have unmet needs. FEMA uses these funds under the authority of 42 U.S.C. 5201(b) of the Stafford Act and 44 CFR 206.181.

Other forms of individual assistance programs include:

1. Disaster Unemployment Assistance (DUA) – provides financial help and employment services to people who are otherwise ineligible for regular state unemployment compensation. DUA provides help for workers and those who are self-employed if they become unemployed as a direct result of a declared major disaster. DUA is funded 100% by FEMA and administered by the Department of Labor through the Louisiana Department of Labor. More information can be obtained from <http://www.ldol.state.la.us>.
2. Crisis Counseling - funds are provided by FEMA as a grant to state and local mental health agencies to provide crisis counseling to help relieve grieving, stress, or mental health problems resulting from the disaster or its aftermath. Contact information for Louisiana's mental health agency is as follows: Warren T. Price Jr., Assistant Secretary, Office of Mental Health, P.O. Box 4049, Bin #12, Baton Rouge, LA 70821-4049, Phone: 225-342-2540, Fax: 225-342-5066, www.dhh.state.la.us/OMH/index.htm. The National Center for Mental Health call center can be reached weekdays from 8:30 a.m. to 5:00 p.m. Eastern time at (800) 789-2647 (toll-free) (866) 889-2647 (tdd).

Services provided include screening, diagnostic testing, counseling, and outreach services such as disseminating public information and community networking. Two types of programs are offered through CC: (a) Immediate services to help state and local agencies to respond to immediate mental health needs of a victim of a disaster. This funding is provided for up to 60 days post disaster declaration; and (b) Regular services designed to provide up to 9 months of services to victims of a disaster. (Other national, state, and local voluntary agencies have similar programs and coordinate with the Center for Mental Health Services to reduce or eliminate duplication of efforts).

3. For information about doing business with FEMA during Hurricane Katrina recovery, visit www.fema.gov/ofm or call Acquisitions office at 202-646-4006.

IV. Non-FEMA Issues

A. Locating Missing Family and Friends

To register a displaced person, a missing relative, or a friend, or view the existing list of registrants, please visit the American Red Cross "Family Links Registry" at www.familylinks.icrc.org/katrina. You may also call the American Red Cross's Family Linking hotline at 877-568-3317.

Another source for information on how to locate a family member or friend affected by Hurricane Katrina is http://firstgov.gov/Citizen/Topics/PublicSafety/Hurricane_Katrina_Recovery.shtml.

To inquire about family and friends that did not evacuate the Greater New Orleans area, contact the American Red Cross at 866-438-4636.

B. Social Security Benefits – The Social Security Administration is attempting to ensure that all Social Security Benefit Checks are received by all beneficiaries affected by Hurricane Katrina, and information on how to help a victim receive his or her social security benefits payment is attached as Appendix "J". Hurricane victims seeking information on social security benefits or social security disability benefits may also call 1 (888)LAHELPU or 1(888)524-3578 from 7 a.m. to 7 p.m.

Additionally, if the applicant is blind, over the age of 65, or disabled and cannot perform any kind of work, they should apply for benefits at the nearest Social Security office. You can also start an application by calling the Social Security Administration's toll free telephone number 1-800-772-1213. Once Social Security has all the necessary documentation, such as proof of earnings and medical evidence of disability, it will send a written decision. If the applicant is denied and you think they are eligible, you should file a request for reconsideration within 60 days of the date of the initial decision. If they are denied again, you should request a hearing and contact Legal Services.

The applicant may also be eligible for other kinds of Social Security or SSI benefits, on his/her account, or on the account of another if they want to retire, or they are an aged or disabled widow or widower, or are the dependent family member of a disabled, retired or deceased worker. If you think your client is eligible for any of these benefits, you should contact the Social Security Administration and apply.

C. Louisiana Workers' Compensation Benefits – Injured workers receiving workers' compensation benefits can call the Louisiana Department of Labor to report their location to continue receiving their benefit checks. A database has been established to connect the benefit recipients with their insurance company, attorneys, self-insured employers and third party administrators. All parties involved in this process should contact the Louisiana Department of Labor, with their names and location. Claimants who have been relocated by Hurricane Katrina should call (225) 342-7561, (225) 342-7555, or toll free at (800) 201-2494 or (800) 201-3457.

D. **Unemployment Compensation** – If a person became unemployed because his or her employer's business was destroyed or closed because of the hurricane or because the person lost his or her job because their house or car was destroyed or because the person was no longer able to get work due to the hurricane, they may be entitled to receive unemployment compensation benefits. Louisiana Unemployment Compensation Benefits may be applied for online at www.la.gov. As referenced above in the FEMA section, if a victim is not eligible for La. Unemployment compensation, he or she may be entitled to disaster unemployment assistance under FEMA. In any event, unemployed disaster victims should apply for unemployment benefits under both the state and FEMA provisions as soon as possible since there is a waiting period for receipt of benefits. Hurricane Victims seeking information on unemployment benefits and disaster unemployment benefits may also call 1-888-LAHELPU or 1-888-524-3578 or 1-866-783-5567 from 7 a.m. to 7 p.m. Online guidance is available at www.lawworks.net.

E. **Tax relief** – People affected by Hurricane Katrina who need help with tax matters can call 866-562-5227 Monday through Friday from 7 a.m. to 10 p.m. local time. Additional information for affected taxpayers is provided at www.irs.gov, as well as in Appendix "K".

F. **Housing Issues** – Lawyers can assist disaster victims with housing and consumer law issues by educating them about their rights, negotiating with creditors, financial institutions, and collection agencies for moratoriums and extensions of loan and bill payments, and advising clients about their rights regarding consumer contracts and collection agency activities. To facilitate handling of housing issues, Louisiana's lessor-lessee code articles and statutes are attached as Appendix "L".

It is also critical for the volunteer lawyer to educate the client about avoiding scams and choosing reputable people to do needed repairs and services.

Hiring Contractors for Disaster Repairs

FEMA provides the following warnings when hurricane victims hire contractors for disaster repairs:

Get a written estimate. Compare services and prices before making a final decision. Also, read the fine print. Some contractors charge a fee for a written estimate, which is often applied to the price of subsequent repairs they make.

Do not sign any contracts for major repairs until the insurance representative has determined how much damage there is and how much the company will pay.

Check references. Contractors should be willing to provide the names of previous customers.

Call several former customers who had similar work done to make sure they were satisfied with the job.

Ask for proof of insurance. Make sure the contractor carries general liability insurance and workers' compensation. If the contractor is not insured, the homeowner may be liable for accidents that occur on the property.

Use reliable, licensed contractors. Call your local Better Business Bureau to inquire about a business before signing a contract.

People should be especially alert for phone or door-to-door solicitors who hand out flyers and promise to speed up the insurance or building permit process, and those who ask for large cash deposits or advance payments in full.

Be wary of anyone claiming to be 'FEMA certified,' because FEMA does not certify or endorse any contractor.

Insist on a written contract. A complete contract should clearly state all the tasks to be performed, all associated costs and the payment schedule. Never sign a blank contract or one with blank spaces. Make sure the contract clearly states who will apply for the necessary permits or licenses. Have a lawyer review the contract if substantial costs are involved, and keep a copy for your records.

Get any guarantees in writing. Any guarantees made by the contractor should be written into the contract. The guarantee should clearly state what is guaranteed, who is responsible for the guarantee and how long the guarantee is valid.

Obtain a local building permit if required. Permits may be required for site work, other than demolition, and for reconstruction. Contact your local government for permit information.

Make final payments when the work is completed. Do not sign completion papers or make the final payment until the work is completed to your satisfaction. A reputable contractor will not threaten you or pressure you to sign if the job is not finished properly.

Pay by check. Avoid on-the-spot cash payments. The safest route is to write a check to the contracting company. A reasonable down payment is 30 percent of the total cost of the project, to be paid upon initial delivery of materials. Federal law gives consumers a three-day "cooling off" period for unsolicited door-to-door sales of more than \$25.

Canceling a contract. This should be done within three business days of signing.

Be sure to follow the procedures for cancellation that are set out in the contract.

Send the notification by registered mail with a return receipt to be signed by the contractor.

Report problems with a contractor or fraud to your state Office of the Attorney General.

Commonly Asked Housing Questions

1. My house was damaged and I cannot live in it - do I need to pay my mortgage?

You must pay your mortgage even if your house is damaged and you cannot live in it. However, check with your lender since many companies may offer a grace period of several months to delay payments (although interest may continue to be added).

2. What if I cannot pay my mortgage?

If you have received a written foreclosure notice as a result of a disaster related financial hardship, you may be eligible for Federal Emergency Management Agency (FEMA) payments to help you with your mortgage payments. FEMA benefits are explained in another section of this manual. If you have income and you want to keep your house, you may be able to file a chapter 13 bankruptcy. In this type of bankruptcy, the homeowner proposes a plan of how (s)he will pay regular mortgage payments and all other living expenses, and also pay an amount every month toward the mortgage arrears. If you think you may want to file a Chapter 13 bankruptcy, you should consult an attorney.

3. What if I live in a condominium?

If you live in a condominium or pay maintenance to any type of homeowners' association, you still need to pay your maintenance fees even if your homeowners' association has not repaired the common areas or you do not like the way they are doing repairs. You should attend the homeowners' association meetings to voice your concerns, and talk with other homeowners and members of the board about your complaints. A group of you may want to seek legal advice. However, if you just stop paying maintenance, you could lose your home to foreclosure.

4. I have homeowner's insurance, but I was told it will take months for an adjuster to look at my house and then it will take longer for a check to be issued - am I eligible for any type of assistance because my house needs lots of expensive repairs and I'm not even sure I can live there until it's repaired?

If you have homeowner's insurance, you will most likely be eligible for money for living expenses while you cannot live in your house. You need to contact your insurance company. If you did not have homeowner's insurance then you may be eligible for assistance under the Assistance for Individuals and Households program to pay for

necessary repairs to essential parts of your home. You may apply for assistance by telephone through FEMA at 1-800-621-3362.

5. The apartment I live in is in really bad shape from the hurricane, but the landlord told me that if I want to stay I must pay full rent - what should I do?

Your landlord may also be experiencing financial hardship until his/her insurance money comes through for repairs. Talk to your landlord to see if the rent can be reduced until the apartment is repaired. See if the landlord will allow you to move to another unit in the building that is livable.

6. What if my landlord won't negotiate?

You have the right to reduce rent in proportion to the damage to the unit. If the unit is unlivable you can move out. In either case, you should send a certified letter to your landlord notifying him/her of your actions.

7. All my stuff was destroyed when the roof fell in on the place I rent - what help can I get?

If you had renter's insurance at the time of the hurricane, contact your insurance company. If your situation is desperate, make sure you describe your situation to the insurance company; if the company agrees that there is coverage, you can ask for an advance payment to cover a part of your loss. Read the information in the insurance section of this handout (section F) about how to prepare for the adjuster's visit, and how to handle your insurance claim.

8. What if I do not have any insurance on my property?

If you did not have renter's insurance, see if your landlord had insurance to cover your belongings. If your losses are not covered by any insurance policy, you may be able to get an Assistance for Individuals and Households grant for replacement of necessary items of personal property. You may apply for these benefits through FEMA at 1-800-621-3362.

9. My landlord told me to move out the next day because he wants the apartment for his daughter who lost her house in the hurricane, and told me if I wasn't out, he'd change the locks - do I have to move?

No. When there is a written lease, the landlord must honor the lease unless the dwelling is totally unusable or the lease contains an express provision allowing the landlord to terminate in the event of fire, flood, or similar casualty. However, if you have a month to month lease, if the landlord provides sufficient notice of termination (10 calendar days before the end of that month), the lease will terminate and you must vacate the premises.

In Louisiana, the landlord does not have the right of self-help and cannot turn off utilities, etc. to force out a tenant. Instead, the landlord must file an eviction proceeding. If you get any eviction court papers, you can call the Louisiana State Bar Association Hotline number (1-800-310-7029) for information on how to file your answer to the eviction lawsuit. If the landlord does lock you out, you can call the police, and, you should consult a lawyer regarding an action for damages.

10. My apartment is so bad I cannot live in it and I am going to move. I want my security deposit returned - what are my rights?

If you have a written lease, read your lease to see what it says. If you do not have a written lease, or your lease does not say anything about deposits, then the landlord must either return your deposit within 15 days after you move out or send you a letter, by certified mail, within thirty (30) days, saying why he will not return your deposit. You then have fifteen (15) days to object in writing, or the landlord will be allowed to keep the security deposit. However, before you leave, you must give your landlord your new address. If you and your landlord disagree about whether you should get your deposit back, you can call the Louisiana State Bar Association Hotline number (1-800-310-7029) for legal assistance.

11. Must I continue paying rent even though my apartment or office has been completely destroyed or severely damaged?

Under Louisiana law, you are not required to pay rent if your property is destroyed or so damaged as to render it uninhabitable. However, if the property is livable, you are only entitled to a reduction of rent. If it is determined that a lessee does have the right to be relieved of liability for rent, in whole or part, the lessee must generally exercise the right with proper notice to the lessor and within a reasonable amount of time. In that case, the lessee should be entitled to a refund of any security deposit and should be given a reasonable opportunity to retrieve personal property.

Of course, a valid written lease may control the respective liabilities when disaster strikes, particularly as to commercial property.

12. Can I sue my lessor for injuries I suffered in my apartment or office during the disaster?

In general, "no." Where the injury results from the disaster itself and not from defects in the premises, there is no liability of the lessor for such injuries.

13. Can I sue my neighbor whose property ran into or fell on my property during the hurricane?

The general rule is that a person is not liable for injuries or damages caused by a disaster or "Act of God" where there is no fault or negligence. However, in recent litigation, the Louisiana Third Circuit held the homeowner responsible for removal of a

tree that fell on a neighbor's property. Allen v. Simon, 888 So.2d 1140, 2004-4 (La. App. 3 Cir. 12/8/04), writ denied, 896 So.2d 1007, 2005-0047 (La. 3/18/05).

14. What can I do with the property of my neighbor which the disaster carried over onto my land?

When personal property is carried away (e.g. by a hurricane or flood) and comes to rest on the land of another, it still remains the property of the original owner, who may enter and retrieve the property. If the landowner refuses to allow the original owner to enter, the original owner will have an action against the landowner.

On the other hand, the landowner has the right to possession against all others but the true owner, has no obligation to preserve the property, and may move the property if necessary to use the land, provided such action is taken in a reasonable manner.

What Hurricane Victims Should Know when Returning Home after a Hurricane?

When returning home after a hurricane:

Find out if the authorities have declared the area safe;

If your area is under a curfew, allow travel time to and from your home. If your area is under martial law, obey all orders by authorities.

Watch for debris on the road while driving;

Return to your pre-determined assembly point and/or contact your pre-established out-of-area contact person. Make sure all family members have been accounted for and let others know of your status;

Make sure the main electrical switch to your home is off before entering the structure;

Be careful when entering a structure that has been damaged;

If you suspect a gas leak, leave immediately and notify the gas company;

If possible, listen to the radio or contact authorities to find out if sewage lines are intact before turning on the water or using the toilet;

Report utility damage to the proper authorities;

Continue to monitor your radio or television for up-to-date emergency information.

Inspecting the Damage

During a hurricane and in the cleanup, injuries occur. To avoid injury, use common sense and wear proper clothing, including clothes with long sleeves and long pants, and safety shoes or boots.

Upon returning to dwellings evacuated before the hurricane's arrival, be aware of possible structural, electrical, or gas-leak hazards. Electrical power and natural gas or propane tanks should be shut off to avoid fire, electrocution, or explosions. Try to return to your home during the daytime so that you do not have to use any lights. Use battery-powered flashlights and lanterns, rather than candles, gas lanterns, or torches.

Gas Leaks

If you smell gas or suspect a leak, turn off the main gas valve, open all windows, and leave the house immediately. Notify the gas company, the police, fire departments, or State Fire Marshal's office, and do not turn on the lights, light matches, smoke, or do anything that could cause a spark. Do not return to the house until you are told it is safe to do so.

Electrical Damage

Your electrical system may have been damaged. If you see frayed wiring or sparks when you restore power, or if there is an odor of something burning but no visible fire, you should immediately shut off the electrical system at the main circuit breaker.

You should consult your utility company about using electrical equipment, including power generators. Be aware that it is against the law and a violation of electrical codes to connect generators to your home's electrical circuits without the approved, automatic-interrupt devices. If a generator is on line when electrical service is restored, it can become a major fire hazard. In addition, the improper connection of a generator to your home's electrical circuits may endanger line workers helping to restore power in your area.

All electrical equipment and appliances must be completely dry before returning them to service. It is advisable to have a certified electrician check these items if there is any question.

PLEASE NOTE: Several deaths following past hurricanes have occurred due to fires. In many cases, fires were caused by the careless use of candles to light homes without electrical power. Use battery-powered lanterns, if possible, rather than candles. If you use candles, make sure they are in safe holders away from curtains, paper, wood, or other flammable items. Never leave a candle burning when you are out of the room.

Downed Powerlines

If powerlines are lying on the ground or dangling near the ground, do not touch the lines. Notify your utility company as soon as possible that the lines have been damaged, or that the powerlines are down. Do not attempt to move or repair the powerlines.

Do not drive through standing water if downed powerlines are in the water. If a powerline falls across your car while you are driving, continue to drive away from the line. If the engine stalls, do not turn off the ignition. Stay in your car and wait for emergency personnel. Do not allow anyone other than emergency personnel to approach your vehicle.

Animals

Wild or stray domestic animals can pose a danger during or after the passage of a hurricane. Remember, most animals are disoriented and displaced, too. Do not corner an animal. If an animal must be removed, contact your local animal control authorities.

If you are bitten by any animal, seek immediate medical attention. If you are bitten by a snake, first try to accurately identify the type of snake so that, if poisonous, the correct anti-venom can be administered. Do not cut the wound or attempt to suck the venom out.

Certain animals may carry rabies. Although the virus is rare, care should be taken to avoid contact with stray animals and rodents. Health departments can provide information on the types of animals that carry rabies in your area. For more information, see <http://www.cdc.gov/ncidod/dvrd/rabies>.

Rats may also be a problem during and after a hurricane. Take care to secure all food supplies, and remove any animal carcasses in the vicinity by contacting your local animal control authorities.

Drowning

Although hurricane winds can cause an enormous amount of damage, wind is not the biggest killer in such a storm. Nine of every ten hurricane fatalities are drownings associated with swiftly moving waters. People who enter moving water with their cars, or who get on boats on lakes or bays when a hurricane strikes the area are at grave risk of drowning, regardless of their ability to swim. Even very shallow water that is moving swiftly can be deadly. Cars or other vehicles do not provide adequate protection. Cars can be swept away or may break down in moving water. Be alert and follow hazard warnings on roadways or those broadcast by the media. Police and public works departments should be contacted for up-to-date information regarding safe roadways.

Chemical Hazards

Be aware of potential chemical hazards you may encounter when returning to your home, especially if the hurricane is accompanied by flooding. Floodwaters and high winds may have moved or buried hazardous chemical containers of solvents or other industrial chemicals. Contact your local fire department about inspecting and removing hazardous chemical containers. Avoid inhaling chemical fumes.

If any propane tanks (whether 20-lb. tanks from a gas grill or household propane tanks) are discovered, do not attempt to move them yourself. These represent a very real danger of fire or explosion, and if any are found, the fire department, police, or your State Fire Marshal's office should be contacted immediately.

Car batteries, while flooded, may still contain an electrical charge and should be removed with extreme caution by using insulated gloves. Avoid coming in contact with any acid that may have spilled from a damaged car battery.

Knowing Where and When It's Safe

Continue to monitor your radio or television for up-to-date emergency information and find out what roads, areas, and buildings are safe to return to. You can get this information from public announcements or the authorities. Avoid moving water, regardless of depth or speed. Do not drive through flooded roads. Cars can be swept away or break down.

Building Safety

Buildings may no longer be safe following a hurricane or flood. There are a number of dangers that you need to be aware of as you return to and begin cleaning up your home or other building. In general, return to buildings during the daytime so that you don't have to use any lights and be aware of possible structural, electrical, or gas-leak hazards.

Utility Hazards

- Before entering a building, make sure the main electrical switch is off. Shut off electrical power and natural gas or propane tanks to avoid fire, electrocution, or explosions.
- Make sure that all electrical equipment and appliances are completely dry before you use them.
- Stay away from downed power lines. Notify the power company immediately.
- If you suspect a gas leak, leave immediately and notify the gas company. Do not do anything that could cause a spark, such as turn on lights, light matches, or smoke.

Report utility damage to the authorities.

Other Injury-Prevention Measures

To avoid other hurricane-related injuries, you should:

- learn proper safety procedures and operating instructions before operating any gas-powered or electric chain saw;
- with an electric chainsaw, use extreme caution to avoid electrical shock;
- when using any power equipment, always wear a safety face shield or eyeglasses, and gloves;
- avoid all power lines, particularly those in water;
- avoid wading in water. Broken glass, metal fragments, and other debris may be present in the water; and
- be careful of nails and broken glass when removing boards covering the windows.

Contact your state or local health department or utility company if you need additional safety information.

Cleanup

Once you have established that no structural, electrical, or gas-related hazards exist in your home, dry and disinfect all materials inside the house to prevent the growth of mold and mildew.

Walls, hard-surfaced floors, and many other household surfaces should be cleaned with soap and water and disinfected with a solution of one cup of bleach to five gallons of water. Be particularly careful to thoroughly disinfect surfaces that may come in contact with food, such as counter tops, pantry shelves, refrigerators, etc. Areas where small children play should also be carefully cleaned. Wash all linens and clothing in hot water, or dry clean them. For items that cannot be washed or dry cleaned, such as mattresses and upholstered furniture, air dry them in the sun and then spray them thoroughly with a disinfectant. Steam clean all carpeting. If there has been a backflow of sewage into the house, wear rubber boots and waterproof gloves during cleanup. Remove and discard contaminated household materials that cannot be disinfected such as wall coverings, cloth, rugs, and drywall.

G. Insurance Issues – Common Questions

1. How can I preserve my claims and protect my right to repayment from insurance coverage?

If you have any insurance policy which you think may cover your damage, whether it is a homeowner's, renter's, or car insurance policy, call your agent, broker, or insurance company as soon as possible, and report your loss. Do this even if you are not sure that there is coverage or if you do not know if the claim will exceed the deductible. Make sure you write down the name of the person you speak to and the claim number they will give you. Appendix "D" is a list of the telephone numbers of various insurance companies.

Many companies have also established websites and local emergency claims offices as part of the disaster response. Further, some companies may provide additional contact points through newspaper or radio advertisements

If you cannot get through to your insurance company by telephone, write them a letter telling them of your loss and keep a copy of it. If you cannot find the insurance policy, contact your agent, broker or insurance company. Ask for the entire policy, not just the cover page or declarations.

If you cannot stay in your home, make sure you give the insurance agent or representative your new address and telephone number.

2. What if I live in a condominium?

If you own a condominium, you should look at both the coverage provisions in your association insurance policy, and the coverage under your individual unit coverage owner's insurance policy.

3. How do I get an insurance adjuster out to my home to assess the damage?

You should request the insurance company to send an adjuster to look at your property. It is best if this request is in writing. If necessary, you should contact the Louisiana Department of Insurance at 1-800-259-5300. However, this will not be done until public officials have declared it safe and have allowed such work to begin

4. What can I do to prepare for the insurance adjuster?

If circumstances allow, make a list of all property damaged or destroyed, take pictures, collect names, addresses and telephone numbers of witnesses, obtain repair estimates, keep a record of expenses, such as alternative housing, etc., and locate original bills and receipts for lost items. If you do not have or cannot locate a complete household inventory, try to picture the contents of every room in your home and then list and describe all items that were damaged or destroyed. Include furniture, major appliances, electronic equipment, pictures or accessories in each room, as well as hobby items, tools, home maintenance items and seasonal items such as holiday decorations and outdoor furniture. As accurately as possible, try to remember when and where you bought each item, how much you paid and the cost of replacement. It is also helpful to include brand names and model numbers where known. Submit these along with your claim to the insurance company.

5. What if I cannot wait for the insurance adjuster?

Some insurance policies provide for reimbursement for temporary housing relocation costs while your home is being repaired and for car rental costs while your car is being repaired or replaced. Check your policy or call your insurance company. If your situation is desperate, make sure that you let the insurance company know and, if the

insurance company agrees that there is coverage, ask for an advance payment toward your losses.

Due to the extreme amount of damage caused by a hurricane, you should make all necessary temporary repairs, such as boarding up windows, patching holes in walls or roofs, or tarping the roof, as soon as possible even if you have not yet seen the insurance company representative. You can also move your personal property to protected areas and begin cleaning and drying items damaged by water. You should get the company's permission before doing so whenever possible. You should also not dispose of any items you believe may be a complete loss until the insurance company representative has examined them. Many companies will also give you an emergency advance to cover some repair costs.

Take photos of the way things look before you begin cleaning and repairing and keep receipts for all clean up and repair expenses.

6. Can I hire someone to make emergency repairs?

Probably. Most homeowners' policies cover materials and reasonable labor expenses for temporary and emergency repairs in addition to any final repairs. You should get several estimates if possible. You should also ask the company representative whether the company will reimburse you for work you do yourself. Be sure to keep all the receipts.

7. A contractor told me he can do the job faster if I just sign my insurance check over to him. Is that a good idea?

No. If the repair work is extensive, the contractor may ask for periodic partial payments as the work progresses, but it is highly unlikely that a reputable contractor will request full payment in advance. The contract should specify that payments will be made as work is completed. If you have a mortgage on your home, the lending institution may also have specific requirements as to how the insurance funds are disbursed.

8. What if the insurance company offers to settle?

You should CONSULT A LAWYER before signing any release or waiver and before cashing any check from the insurance company which might be deemed full and final payment of your claim. Before you settle with the insurance company, be aware of the full extent of your damage and the full value of your claim. It may be important for you to get estimates or to actually have the work completed before you agree to a specific cost figure.

9. What if the insurance company denies my claim or offers me less than I think I am entitled to receive?

You should demand that the insurance company give you its reasons IN WRITING for denying coverage or limiting your claim, and consult a lawyer. You should also ask for

any reports prepared by the insurance company when examining the insured's property or evaluating the insured's claim.

Most insurance policies require that you bring suit against the insurance company for failure to pay a claim **WITHIN ONE YEAR** from the date of the occurrence of the damage. If you do not file suit in time, you may be prevented from receiving any reimbursement.

10. Is the damage to my home covered under my insurance policy?

Hazard insurance (homeowners' policies or other fire and extended coverage properties) from the private sector generally covers the damage to the home caused by the hurricane, except for damage caused by flooding, which is generally specifically excluded. Victims should be asked whether they have separate flood insurance. **Review all applicable insurance policies.**

11. What if my insurance does not cover all of the damages to my home or personal property?

You may be eligible for benefits under the FEMA program if you are unable to pay for repair or replacement of essential parts of your home or essential personal property. See the FEMA section of this handout. You may also keep all of your repair and replacement receipts and file your losses with the IRS on your income tax returns next year. For information, you may call 866-562-5227.

12. I know I have flood insurance, what do I do?

Call your insurance company. See attached list of insurance companies.

13. I am not sure if I have flood insurance, what do I do?

Attempt to contact your bank or check the following website
www.fdic.gov/news/katrina/katrinastatus.pdf.

14. I know I have flood insurance, but my bank is closed – what do I do?

Banks having offices in the most devastated areas are making every attempt to establish temporary facilities to service customers.

15. I know I do not have flood insurance, is assistance available?

Contact FEMA.

16. Does my automobile insurance cover the damage to my car resulting from the disaster?

Normally, this type of damage will be covered under the comprehensive policy coverage, although the particular language and exclusions of the policy will control. Even when there is a flood, wind, etc. exclusion, coverage may exist under a collision policy if the disaster and event causing the damage could be construed as a collision. The courts have reached mixed results on this issue.

17. Where can I live while my house is being repaired?

If your policy provides coverage for your loss, you will be insured for Additional Living Expense coverage which pays for the costs you incur in excess of your normal living expenses. For example, if you normally spend \$1500 for mortgage/rent, utilities, food, etc. and you now spend \$2000 due to the disaster, the insurance company will reimburse you \$500. Be sure to save all receipts.

You should also ask the company representative if there are any restrictions on where and how long you can stay and how much you are allowed for hotel rooms. If you stay with a relative or friend, the company may reimburse your host for lodging only if you can show proof of actual payment. Extra expenses, such as higher utility bills by the host, would definitely be considered. You can also submit a claim for the cost of storing your personal property until your home is ready for occupancy.

18. If a tree falls in my yard but does not damage my home or property, will insurance pay for clean up and removal?

Generally, the fallen tree must cause damage to your home or property before the insurance company is obligated to pay for clean up and removal. However, the insurance company will pay for removal of a tree that is on your house, deck furniture, or fence and some policies will pay for removal of trees that fall and block your driveway.

19. If a neighbor's tree falls on my property and hits my home, should my neighbor's insurance pay?

Generally, no. Unless negligence can be proven the neighbor's policy covers his/her house and your policy covers your house. However, see Allen v. Simon, 888 So.2d 1140, 2004-4 (La. App. 3 Cir. 12/8/04), writ denied, 896 So.2d 1007, 2005-0047 (La. 3/18/05) where the court held that you are responsible for removal of your tree from your neighbor's property following a hurricane, even with no showing of negligence.

20. Is food spoilage covered?

Read the policy. While some policies cover food spoilage due to a natural disaster, others do not.

SOME CAUTIONS FOR THE INSURED

- 1. Beware of anyone who claims that they are working on behalf of the government, the Louisiana Department of Insurance, or your insurance company and asks for money to help expedite your claim. Demand to see an official photo identification. Ask this person's name and immediately report this to your insurance company or the State of Louisiana Department of Insurance for verification.**
- 2. You may be approached by a "public adjuster" who will offer to assist you in handling or expediting your insurance claims in return for a percentage of your insurance benefit payments. Public adjusters are illegal in Louisiana. Only attorneys can represent third parties in claims against insurance companies and only attorneys are allowed to collect a percentage of your payments. Be sure this contract with your attorney is in writing and you understand exactly what expenses, if any, you are agreeing to pay over and above the contingency fee.**
- 3. Most insurance companies will only reimburse for reasonable cost of repair. If prices quoted for repairs appear inflated, get another estimate and obtain your insurance company's agreement before undertaking repairs. Remember that your claim will only be approved to the extent that it does not exceed your policy limit. If you undertake repairs at an inflated price, you may reach your maximum policy limit very quickly.**

H. Public Education – Frequently Asked Questions

- 1. How can I send my children to school if their schools are closed?**

The Louisiana Department of Education Call Center's toll-free number to the helpline is 1-877-453-2721.

Education officials in Texas have set up a toll-free number for Louisiana parents to get information concerning enrolling their children in Texas schools. The phone number is 1-800-957-5109.

Colleges throughout the state and nation are accepting displaced college students. Please check www.regents.state.la.us.

- 2. How long will children be out of school and what can be done for students?**

It is impossible to know how long schools will be closed in parts of Louisiana. The Department of Education is encouraging displaced students to enroll in school in the community where they are seeking temporary shelter. You should contact the local school district office concerning placement of your child. A complete list of local school district contact information can be found on our website by clicking on "School Directory."

East Baton Rouge Parish is asking that evacuee parents contact them at 225-226-3762, 8 a.m.-4:30 p.m.

If you are seeking temporary shelter out of state you should contact the local county school system and inform them that your child has been displaced by Hurricane Katrina. We are sending information throughout the country concerning availability of student records and information.

3. What about school uniforms?

We have asked all local school districts in Louisiana to provide flexibility for evacuee students in the area of uniforms. It is important for students enrolled quickly with as little disruption as possible.

4. What should teachers/support workers in the impacted areas do about employment?

Teachers/Support Workers who have been displaced by Hurricane Katrina are being encouraged to apply for jobs in the areas where they are seeking temporary shelter. Many of these districts are enrolling evacuee students will need additional teachers and support staff. Teachers can also file for unemployment through the Louisiana by visiting local unemployment agencies or filing on line with the Department of Labor, www.laworks.net.

5. What about teacher/support worker pay?

If you are employed in Orleans Parish, you can call 1-877-771-5800 for more information. Orleans Parish school employees will continue to receive health care benefits, including individuals who recently received layoff notices.

Other impacted school districts are attempting to reestablish their business operations in Baton Rouge. Future updates will be given in the future.

6. Where can offers of assistance for students/teachers be made?

Those wanting to offer help, assistance, school supplies or monetary donations for the children of Louisiana should email the Department of Education at customerservice@la.gov.

7. What about tops scholarship eligibility?

Information concerning Louisiana's TOPS scholarships can be found at www.osfa.state.la.us or by calling 1-800-259-5626, Ext. 1012, Saturday, Sunday and Labor Day 8 A.M. to 7 P.M.

8. Additional contact information:

Red Cross 1-800-GET-INFO (1-800-438-4636)
 1-800-HELP-NOW (1-800-435-7669)

FEMA 1-800-621-FEMA

Louisiana Dept. of
Education 1-877-453-2721

Texas School Information 1-800-957-5109

9. I did not bring my children's immunization records with me when we evacuated. Can I still enroll them in new schools?

The state has temporarily waived the requirement for parents to present their children's immunization records to enroll them in schools. The Department of Health and Hospitals—Office of Public Health is using its internal LINKS system to track immunizations records and will share that information with the appropriate education officials.

10. I need to enroll my child at a new school following my family's evacuation and do not have the birth card he/she will need to do so. Where can I obtain one?

The Department of Health and Hospitals is offering no-cost birth cards (small versions of birth certificates) to evacuees and their children. Birth cards can be obtained from parish health units in the following regions: East Baton Rouge, Lafayette, Lake Charles, Alexandria, Shreveport and Monroe. Also, clerk of court offices in Acadia, Allen, Ascension, Assumption, Bienville, Catahoula, Claiborne, East Baton Rouge, East Carroll, East Feliciana, Franklin, Grant, Jackson, Lafayette, Livingston, Madison, Morehouse, Natchitoches, Plaquemines, Richland, Sabine, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Tammany, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Carroll and West Feliciana parishes will offer no-cost birth cards.

I. Family and Medical Issues

1. Will my child be able to get emergency medical care if I cannot be reached by telephone?

Yes. A licensed doctor may provide emergency medical care or treatment to any minor who has been injured in an accident or who is suffering from an acute illness, disease, or condition if delay in providing the care will endanger the health or physical well-being of the minor. The care must be provided in a licensed facility. Care may also be provided in the pre-hospital setting by paramedics and emergency medical care technicians. This will apply if:

A. The minor is unable to provide the name of his parent(s), guardian or legal custodian.

B. The parent(s), guardians, or legal custodian cannot be immediately located by telephone at their place of residence or business.

2. My child is living with a relative. Will my child be able to get medical care if I cannot be reached by telephone?

Yes. After a reasonable attempt to contact you has been made, any of the following may consent to non-emergency medical care or treatment of a minor who is not committed to the Department of Children and Family Services or the Department of Juvenile Justice:

- A. A person who possesses a power of attorney to provide medical consent for the minor.
- B. your child's stepparent.
- C. your child's grandparent.
- D. your child's adult brother or sister.
- E. your child's adult aunt or uncle.

3. I have a child in my home who was placed by the Department of Social Services. What will happen during an emergency if the child requires medical care?

You should contact the Agency that placed the child in your home for specific instructions as to how the child is to receive medical care during an emergency. Hurricane Victims seeking information may call 1 (888) LAHELPU or 1(888)524-3578 from 7 a.m. to 7 p.m.

4. Is it possible to do something about violence in our home?

A natural disaster causes a great deal of stress on everyone. This can lead to increased tension and violence in family and household units. The law offers protection for victims of acts of violence. Victims have the right to take legal action against the person who is causing the violence by seeking an injunction. If you require immediate assistance, you should contact law enforcement. If you need assistance with obtaining an injunction for protection, you should contact the Louisiana State Bar Association hotline at (1-800-310-7029).

5. How can I get counseling for myself or my family?

There are numerous providers of counseling services on an ongoing basis. After a natural disaster, additional providers will be available. Information on disaster counseling is usually made available through public information announcements after the disaster. You should also check with hospitals and other mental health agencies in your community in reference to the availability and cost of disaster counseling.

In Louisiana, you may call the Louisiana State Hotline at 1 (888) LAHELPU or 1(888)524-3578 from 7 a.m. to 7 p.m. or Warren T. Price Jr., Assistant Secretary, Office

of Mental Health, P.O. Box 4049, Bin #12, Baton Rouge, LA 70821-4049, Phone: 225-342-2540, Fax: 225-342-5066, www.dhh.state.la.us/OMH/index.htm. The National Center for Mental Health call center can be weekdays from 8:30 a.m. to 5:00 p.m. Eastern time at (800) 789-2647 (toll-free) (866) 889-2647 (tdd).

6. I am a Louisiana WIC recipient who has been evacuated from Hurricane Katrina. Can I still receive my WIC foods and nutritional information?

The Department of Health and Hospitals has established a hotline number for the Women, Infants and Children [WIC] nutrition program recipients to find out how to obtain WIC items at their current locations. Call 1-800-251-BABY for this information or Hurricane Victims seeking information may call 1 (888) LAHELPU or 1(888)524-3578 from 7 a.m. to 7 p.m.

7. I evacuated from the hurricane and have no means of paying for my prescription medications – what can I do?

The Louisiana Board of Pharmacy has received confirmation that emergency prescription needs will be taken care of for Hurricane Katrina evacuees without means to pay for their medications. Evacuees can go to any Wal-Mart, CVS, Rite Aid, Walgreen's or Kroger's pharmacy in Louisiana or around the country to have their emergency prescriptions filled at no cost *depending upon patient need*. Nurses and doctors who have authority to write prescriptions and are treating patients in special needs shelters as part of the recovery effort can send their patients' prescriptions to these pharmacies to be filled.

8. I have a relative with a developmental disability and need help relocating him/her? Whom can I call?

The Department of Health and Hospitals—Office for Citizens with Developmental Disabilities has established four OCDD Response Teams to facilitate the handling of requests from people with disabilities, their families, providers, employees and the community. This includes requests regarding ICF/MRs, waiver supports and services and state-funded services. Hurricane Victims seeking information may call 1 (888) LAHELPU or 1(888)524-3578 from 7 a.m. to 7 p.m.

The teams are established to locate people with developmental disabilities and their families who have been displaced; handle requests and questions regarding relocation of people with developmental disabilities; locate employees of developmental centers who have been displaced; and field offers of donations of funds, staff or volunteers who would like to assist people with developmental disabilities.

J. Banking Issues – Commonly Asked Questions

1. The local banks are not cashing my checks or letting me withdraw money from teller stations, what can I do?

If you do not have an account relationship with the bank, it may be concerned about whether there are sufficient funds in your account. Ask the bank to call your bank to

determine your account balance. You can also establish an account with a bank in your new area by asking your bank to wire funds from your account to the financial institution in your new area.

2. My direct deposit is not showing up in my account, and I need money. Is there somebody who can help me clear this up with the bank?

Sometimes there are delays in the processing of transactions, including direct deposits, as banks activate back up plans. The banks will process the transactions once the plans are implemented. The delays should be rectified soon.

Please talk to your bank about the problem. You can also contact the individual or company that originated the deposit to see if they have any information about the status of your deposit.

3. If my ATM card does not work, what should I do?

If your ATM card will not work, it is probably because your bank's verification system is not working. You may consider other options, such as cashing a check in the area where you are located or using a credit card. You may also contact one of the emergency service organizations, such as FEMA or the Red Cross, and request assistance.

4. ATM fees are piling up, why aren't the banks waiving these fees?

Please contact your banks and explain your situation. The regulators are strongly encouraging banks to waive these fees for those hardest hit by the disaster.

5. I can't reach my bank by phone or internet, what should I do?

If your bank is located in the heavily storm damaged area and is not a part of a major regional or national institution, it may not be open for some time. You should contact one of the emergency service organizations, such as FEMA or the Red Cross, and request assistance.

6. I am no longer working due to the storm and don't have the income to live on and meet my payments. If I miss some loan payments, how will this affect my credit? Will I be charged late fees?

Regulators are telling banks to be understanding during this time of crisis. They have asked banks to work with customers hit hardest by the hurricane. Banks are being encouraged to allow some loan payments to be skipped without it counting against credit histories, extend the terms of loans, and to restructure loans to take into account new sets of circumstances. Before skipping payments or changing the terms of the loan, contact your bank. FDIC is encouraging banks to be flexible in this time of crisis, including fees.

7. I need longer term financing until insurance checks come in and I can find another job, will banks help?

We understand that not all banks provide short-term, unsecured loans, but regulators have encouraged banks to consider making loans on a short-term basis to help consumers. We have promised banks waivers of certain rules governing this area.

8. Where can I find a list of banks that are working with displaced people?

The FDIC is attempting to keep such a list of banks. Here is the link to the most up-to-date list we have available. www.fdic.gov/news/katrina/katrinastatus.pdf.

9. What about the contents of my safe deposit box?

Most safe deposit boxes are held in the bank's vault, which are fireproof and waterproof. If possible, contact the branch or office where your box was located to determine the condition of your box.

10. What happens if my bank has lost my records?

Be assured that banks are required to have extensive contingency plans for all types of disruptions to operations, including natural disasters. Banks have backup systems of records and other built-in duplications that are housed in safe locations so that financial records can be reconstructed and restored.

11. If my local bank was destroyed, is my money still insured?

Yes, your money is still insured by the Federal Deposit Insurance Corporation. Deposits with a FDIC insured bank or savings institution will continue to be protected up to \$100,000. However, you should keep any financial records that you have in order to help reconstruct your accounts.

12. How can consumers deposit or cash any insurance checks they may receive?

By the time emergency relief and insurance payments are received the affected institutions should be prepared to process these payments for their customers. Should a customer's primary financial institution not be ready to receive these payments it is anticipated arrangements will be made with neighboring institutions to handle these special consumer needs.

13. Will there be enough cash?

Be assured the Federal Reserve System has and will continue to meet the currency needs of the financial institution industry. The banking industry nationwide has more than sufficient resources to fill any shortfall.

14. Is my bank safe? Do you believe the affected banks will survive?

We are not aware of any bank that has closed due to the impact of a natural disaster. Consumers can also rely upon the guarantees provided by the FDIC, which oversees the insurance funds that back deposits in banks and thrifts, and the National Credit Union Share Insurance Fund, which protects credit union depositors. These depositors can rest assured that deposit insurance is in full force.

15. Who can I contact for more information?

The FDIC has a consumer hotline set up for this crisis. Please call 1-877-ASK-FDIC (275-3342). The hotline is operating 24 hours a day, 7 days a week.

K. Food Stamps, including Disaster Food Stamps – call the Louisiana Food Stamp Hotline at 1 (888) LAHELPU or 1(888)524-3578 from 7 a.m. to 7 p.m.

L. Temporary Assistance to Needy Family Benefits – TANF

Call 1-800-706-8263 (or 1-800-706-TANF) to obtain information about TANF programs and services that may be of assistance.

M. MEDICAID BENEFITS - Louisiana Medicaid Office

Hurricane Victims seeking information may call 1 (888) LAHELPU or 1(888)524-3578 from 7 a.m. to 7 p.m. Additional information may be obtained from www.dhh.state.la.us

N. Other Social Service Programs

Should you have questions about other social service programs, including Foster Care Program, Addictive Disorders, child support, DHH Optional State Supplement Checks, Louisiana Rehabilitation Services, or the like, please call 1 (888) LAHELPU or 1(888)524-3578 from 7 a.m. to 7 p.m.

O. Immigration Issues

1. Do I need to be a U.S. resident or citizen to apply for emergency disaster relief?

See p. 5 et seq for specific FEMA information, However you may qualify for non-cash FEMA disaster programs even if you do not have a legal immigration status. Receipt of other benefits depends on immigration status.

2. Will I be considered a public charge and denied residency if I apply for emergency disaster relief.

No. Acceptance of emergency disaster relief will not be considered public cash assistance preventing you from becoming a resident.

3. How can I get a replacement green card or work permit?

For a replacement green card you need to fill out immigration form I-90 and file it with the local immigration office. You can obtain the immigration form by calling 1-800-870-3676.

For a replacement work permit you need to fill out immigration form I-765. If you have a copy of your lost work permit attach it to I-765. Also attach a photocopy of any applications or documents which entitle you to receive a work permit, such as application for asylum, suspension of deportation, or adjustment of status.

4. Do I need to let the INS or immigration court know if I have moved as a result of the hurricane?

If you have a pending case, you are required to inform the immigration court of any change of address or telephone within 5 days of moving.

More information about immigration matters may be obtained online at www.USCIS.gov.

P. Lost Document Issues

Assistance may be requested in obtaining documents lost or damaged during the hurricane. The following documents may be destroyed, lost, or damaged during national disasters:

1. Bank and investments accounts (checkbooks, savings, stocks, money markets);
2. Birth, death, marriage certificates, divorce decrees;

The Department of Health and Hospitals is offering no-cost birth cards (small versions of birth certificates) to evacuees and their children. Birth cards can be obtained from parish health units in the following regions: East Baton Rouge, Lafayette, Lake Charles, Alexandria, Shreveport and Monroe. Also, clerk of court offices in Acadia, Allen, Ascension, Assumption, Bienville, Catahoula, Claiborne, East Baton Rouge, East Carroll, East Feliciana, Franklin, Grant, Jackson, Lafayette, Livingston, Madison, Morehouse, Natchitoches, Plaquemines, Richland, Sabine, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St.

Tammany, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Carroll and West Feliciana parishes will offer no-cost birth cards.

Although the website is currently down, birth and death certificates will be available through vital check at www.vitalcheck.com or www.vitalrec.com, 1-877-605-8562. Outside of Orleans Parish, check with the parish clerk of court or www.vitalrec.com/la.html#county.

3. Court documents (deeds)
4. Driver's license, passports, identification card, vehicle registration, and ownership (title records)

Driver's licenses may be obtained by calling 1-877-DMV-line (5463) or on www.expresslane.org. The cite indicates the driver's license will be obtainable with no records or additional information based upon DMV records.

Passports may be obtained through www.travel.state.gov/passport_1738.html or calling 1-877-487-2778 or 1-888-874-7793.

5. Food stamps
6. Immigration documents
7. Insurance Documents
8. Medicare/Medicaid cards
9. Social Security cards
10. Credit cards
11. Wills or other estate planning documents

See Appendix "M" which outlines how to obtain replacement copies of lost governmental documents.